

REMARKS

Claims 1-37 are pending in this application. Claims 15-37 are withdrawn. Claim 1 has been amended to include the limitation of claim 5, solely to expedite prosecution. Claim 14 has been amended solely to correct a typographical error. Claim 5 has been canceled. No new matter has been added.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Objections to Claims and Specification.

Applicants thank the Examiner for noting the typographical error in claim 14 and the specification on page 12. Applicants have amended claim 14 and the specification to correct this error and to recite a N-phenylsulfonyl prodrug of rabeprazole. Applicants therefore respectfully request withdrawal of this rejection.

Rejection under 35 U.S.C. § 102(a)

Claims 1-14 stand rejected under 35 U.S.C. § 102(a), as being anticipated by Garst et al., WO2004/009583 (the '583 application). The Action indicates that Garst et al. "teach the compositions of instant claims 8 and 10-14 and that these compounds have improved aqueous solubility and bioavailability." Applicants respectfully disagree. Applicants note that the instant claims are directed to compositions, not compounds. In particular, Applicants note that the claimed compositions taught by the '583 application are not the same as those instantly claimed.

The claimed compositions include a N-phenylsulfonyl prodrug of a proton pump inhibitor, the composition having an aqueous solution having a pH of about 5 to 7. There is no teaching in the '583 application of a composition that includes such an aqueous solution. Further, because there is no teaching of such a composition, the '583 application can not

inherently anticipate the instant claims. Accordingly, Applicants request withdrawal of this rejection. .

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Any questions raised by this submission may be directed to the undersigned at (617) 570-8743. In accordance with 37 C.F.R. § 1.136(a), please grant any extension of time that this paper requires but no accompanying paper requests. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our Deposit Account No. 07-1700, Docket No.: ALV-003.

Dated: December 22, 2008

Respectfully submitted,

/Theresa C. Kavanaugh/

Theresa C. Kavanaugh

Attorney for Applicants

Registration No.: 50,356

GOODWIN PROCTER LLP

Exchange Place

Boston, Massachusetts 02109

Tel. No.: (617) 570-8743

Fax No.: (617) 523-1231

LIBC/3473897.1